

Non-Smokers' Rights Association Smoking and Health Action Foundation

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How to Implement a No-Smoking Policy for a Multi-Unit Dwelling: A Protocol for Rental Housing

The steps that follow are guidelines only. The rental housing sector is diverse, meaning that the process required to adopt a successful no-smoking policy will vary between different landlords or housing providers. For example, not all businesses or organizations have boards of directors or tenant associations, which can make for a less consultative policy development process. Non-profit or social housing providers are different from market rate landlords. However, regardless of the type of landlord, housing provider or property manager, a no-smoking policy is a win-win situation, reducing costs and improving the indoor air quality of a building for the tenants who live there. Visit www.smokefreehousing.ca for more information.

Step 1: Strike a committee or working group

- Try to include diverse stakeholders, such as board members, tenant representatives, staff, public health workers, etc.
- Review current situation, including complaints over smoking.
- Identify options.
- Develop draft policy.

Step 2: Conduct a tenant survey and consider the following:

- What is the extent of the problem of second-hand smoke infiltration?
- How many households already prohibit smoking inside?
- How many households have one or more smokers?
- Assess the level of support for various no-smoking policy options.
- Download a sample survey from Smoke-Free Housing BC:
[www.smokefreehousingbc.ca/pdf/Sample Tenant Survey Questions FINAL.pdf](http://www.smokefreehousingbc.ca/pdf/Sample_Tenant_Survey_Questions_FINAL.pdf).

Step 3: Develop the policy

- What is the ultimate goal—100% smoke-free or a percentage to remain as smoking? For example, if a landlord owns a complex of buildings, one could remain as “smoking optional” while the other buildings are designated as non-smoking.
- Hold a meeting with tenants to discuss the survey results and draft policy.
- Consider input from all stakeholders and decide on extent of policy:
 - Includes patios and balconies?
 - Includes buffer zones around doorways, operable windows and/or air intakes?
 - Includes entire property?
 - Provides designated smoking area(s) outside?
- Explore the feasibility of offering tenants help to quit smoking. Contact public health officials in your town, city or region for more information and resources.
- Decide on a start date—don’t rush it!
 - Allow time for proper consultation and education.
 - Note that spring and summer are the best start times to enable tenants to get used to smoking outside.
- Keep in mind that a no-smoking policy can be implemented in phases:
 - For example, a pilot project could be run with a few buildings. Or, an outside designated smoking area could be established on the property for a year or two before the entire property is designated as non-smoking.
- A sample policy with lease language is available from Smoke-Free Housing Ontario:
www.smokefreehousingon.ca/cms/file/sample_landlord_policy_final.pdf.
- Note that by law, existing tenants must be grandfathered (exempted) indefinitely in some provinces (like Ontario), or can be grandfathered for a limited amount of time (like Nova Scotia). Check your provincial or territorial residential tenancies legislation for clarification on grandfathering in your jurisdiction.

Step 4: Develop a communications strategy

- Begin with general information about the problem of involuntary exposure to second-hand smoke (for example, put a series of articles in the newsletter or online). Public health officials in your town, city or region can assist with fact sheets, articles, etc.

- Keep stakeholders informed of what's happening throughout the process.
- Choose a start date for the no-smoking policy that gives tenants and those on the waiting list (if applicable) sufficient advanced notice (3-6 months is ideal). For jurisdictions that do not require indefinite grandfathering of existing tenants, the residential tenancies legislation will dictate how much notice is required. A sample tenant notification letter is available from Smoke-Free Housing BC:
www.smokefreehousingbc.ca/pdf/Sample%20Tenant%20Notification%20Letter%20FINAL.pdf.
- Use different vehicles to communicate with tenants:
 - Use a tenant newsletter or website (if available)
 - Send individual notices to tenants
 - Conduct face-to-face meetings, etc.
 - Post a “countdown to the policy” banner in the front lobby
 - Issue a press release. A sample is available from Smoke-Free Housing Ontario:
www.smokefreehousingon.ca/cms/file/sample_press_release.pdf
 - Provide tenants with fridge magnets or shopping lists (“Welcome to My Non-Smoking Home”) to further advertise the policy.
- Make the messaging positive and focus on the health benefits.
- Install signage (“Welcome to Our Non-Smoking Building” or “Welcome to Our Smoke-Free Building” if grandfathering is not an issue) in the common areas and paint lines outdoors, if applicable (if policy includes a smoke-free buffer zone around entranceways). If the policy does include a buffer zone, try to keep the distance consistent with provincial law to reduce confusion and improve compliance.
- If applicable, purchase and install outdoor ashtrays.
- Advertise the no-smoking policy along with unit vacancies. Be careful with wording. A building is not “smoke-free” until the last unit has been cleaned up and designated as non-smoking. With respect to grandfathering, manage tenants’ expectations by ensuring that they understand the building is in transition and that there are some tenants who are exempted and still permitted to smoke in their units.
- Consider installing a comment box in lobby to solicit input on a regular basis.
- Consider additional communications six months to one year after the policy has been implemented to remind tenants of the policy and to thank them for their support. Use survey results to emphasize positive messaging.

Step 5: Develop an enforcement plan

- Be prepared—decide ahead of time how infractions will be handled.
- Keep detailed records of incidents, complaints, etc. This is especially important if a tenant denies breaching the no-smoking policy. A sample log is available from Smoke-Free Housing Ontario:
www.smokefreehousingon.ca/cms/file/sample_landlord_log.pdf.
- Consider including the following steps in your enforcement plan:
 - Send a friendly written reminder clarifying the no-smoking policy on first reported breach of the policy.
 - Send a warning letter(s) for the second breach (and x additional breaches) of the policy. A sample is available from Smoke-Free Housing BC:
<http://www.smokefreehousingbc.ca/pdf/Sample%20Tenant%20Caution%20Letter%20FINAL.pdf>.
 - Hold one or more meetings with the tenant violating the policy, and invite others where appropriate, such as family members or social workers, to discuss the problem and to explore possible solutions.
 - Discuss possible accommodations, if necessary. For example, team up with public health officials in your area to provide smoking cessation information and support.
- As a last resort, seek eviction. If a no-smoking clause is considered a material term of the lease in your jurisdiction then the process will likely be straight forward. If the addition of a no-smoking clause is not considered a material term, you will need to cite breach of quiet or reasonable enjoyment of neighbouring tenants or substantial interference with your rights, privilege or interest as a landlord to provide a non-smoking environment. Visit Smoke-Free Housing Ontario for more information about enforcing a no-smoking policy: www.smokefreehousingon.ca/sfho/landlords-enforcement.html.

Step 6: Implement the No-Smoking Policy

- Include policy in lease.
 - Request that tenants initial no-smoking clause.
- Mention policy on application form.
- Ensure enforcement strategy is in place.
- Ensure all staff and stakeholders have a clear understanding of the policy and will be able to assist with education and enforcement where necessary.
- If you have decided to offer smoking cessation information and/or resources alongside your no-smoking policy, have these ready when the policy is implemented.